

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

DEBORAH L. SMITH,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:08CV79 RWS
)	
JACQUELINE THOMAS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on plaintiff's motion to consolidate this action with Deborah Smith v. the City of Poplar Bluff, Missouri, et al., Cause Number 1:08CV94. Because these cases involve the same parties and factual and legal issues, the motion to consolidate will be granted.

Rule 42(a) of the Federal Rules of Civil Procedure governs consolidation of cases and provides as follows:

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all of the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

Fed. R. Civ. P. 42(a). The Court has broad discretion to order consolidation. See Enterprise Bank v. Saettler, 21 F.3d 233, 235 (8th Cir. 1994). The threshold issue is whether the proceedings involve a common party and common issues of fact or

law. Id.


Plaintiff worked at the Poplar Bluff Public Library and claims she was subjected to discrimination, retaliation, and termination because of her religious beliefs. Plaintiff brings claims under Title VII, the Missouri Human Rights Act, 42 U.S.C. § 1983, and Missouri law. The complaints filed in both cases name the same defendants, include the same allegations, and seek the same relief. In her motion to consolidate, plaintiff explains that she filed two lawsuits instead of one to avoid confusion because the EEOC mistakenly issued a right to sue letter, which was then correctly issued by the Department of Justice. Because this is same lawsuit filed twice, judicial economy favors consolidation of these cases for all purposes.

Accordingly,

IT IS HEREBY ORDERED that the motion to consolidate filed by plaintiff [#7] is granted.

IT IS FURTHER ORDERED that this case is consolidated with Deborah Smith v. the City of Poplar Bluff, Missouri, et al., Cause Number 1:08CV94, for all purposes.

IT IS FURTHER ORDERED that from this date forward all papers shall be filed in this case only, that no further pleadings or papers be filed in Cause Number 1:08CV94 and that Cause Number 1:08CV94 is administratively closed.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 25th day of June, 2008.